

REMARKS/ARGUMENTS

Claims 1-11 are pending in the present application. Claims 1-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ives (U.S. Pat. No. 6,454,748). Applicant respectfully traverses the rejection.

Claims 1-11 have been rejected under 35 U.S.C. § 102 as being anticipated by Ives. Claim 1 has been amended to require "a second layer having an interior surface secured to the diaper body" and to require a means for sealing the pocket for contained waste and odor on an exterior surface of the second layer. The reference to Ives does not teach this limitation. Instead Ives teaches a layer 14 that has an interior surface that is secured to the diaper 10 and additionally has a strip 52 of an adhesive on that same interior surface. (See Col. 4, lines 39-40). Thus Ives does not teach a second layer that is both secured to the diaper body on an interior surface and has a sealing means on an exterior surface. By having the sealing means on the exterior surface the present invention is able to invert the diaper once rolled up so that the seal can be across the entire diaper forming an airtight seal to contain odor. Ives does not teach the containment of odor and instead teaches a seal that is tucked in and at the sides will allow odor to escape. Thus the present invention is an improvement upon the Ives reference. Consequently each and every limitation of amended claim 1 is not met and the anticipation rejection is considered overcome.

Independent claim 6 contains the limitation "inverting the pocket to receive the diaper body" and has been amended to require "sealing the pocket to enclose the diaper body to form an airtight seal". As discussed above, the Ives reference does

not teach inverting the pocket such that an airtight seal is formed and thus each and every limitation of amended claim 6 is not met and the anticipation rejection is considered overcome.

Independent claim 7 has been amended to require "a means for sealing the pocket for containing waste and odor such that when the pocket is inverted the means for sealing forms an airtight seal". Once again, as discussed above, this limitation is not taught within the Ives reference and the anticipation rejection is considered overcome. Additionally, claims 2-5 depend on claim 1 and claims 8-11 depend on claim 7 for at least this reason all pending claims are considered in allowable form.

CONCLUSION

In view of the above remarks and arguments, Applicant believes that claims 1-11 are in condition for allowance and Applicant respectfully requests allowance of such claims.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Zarley', with a stylized flourish at the end.

Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350

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Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

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